

From: [Murdock, Michaela M CIV USARMY CENWW \(USA\)](#)
To: [Moore, J Tyler \(Tyler\) CIV USARMY CENWW \(USA\)](#)
Subject: FW: NWW-2021-00077: Information Request to Ace Black Ranches
Date: Friday, March 12, 2021 1:38:00 PM
Attachments: [image001.png](#)
[USACE Letter Regarding Ace Black Ranch-Bruneau River Dredge and Fill NWW-2021-00077.msg](#)
[NWW-2021-00077 20210211 EPA308.pdf](#)

FYI – per our conversation this morning. Below is the correspondence I had with Norm Semanko yesterday afternoon. I have also attached the NOV letter that was sent by the Corps to Ace Black Ranches, LLP on February 10, 2021, and the 308 letter sent by the EPA.

Michaela M. Murdock
Assistant District Counsel
U.S. Army Corps of Engineers, Walla Walla District
201 N. Third Avenue
Walla Walla, WA 99362
(509) 527-7707

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From: Murdock, Michaela M CIV USARMY CENWW (USA)
Sent: Thursday, March 11, 2021 3:53 PM
To: Norman M. Semanko <NSemanko@parsonsbehle.com>
Cc: Urbanek, Kelly J CIV USARMY CENWW (USA) <Kelly.J.UrbaneK@usace.army.mil>; Schrader, William C CIV USARMY CENWW (USA) <William.C.Schrader@usace.army.mil>
Subject: RE: NWW-2021-00077: Information Request to Ace Black Ranches

Norm,

Thank you for your e-mail. I discussed Ace Black Ranches, LLP's request for an extension with Kelly Urbanek. We are agreeable to giving additional time for your client to pull together the information, including obtaining the assistance of Ray Kagel, the partnership's wetlands consultant. The information requested in the Corps' February 10, 2021 letter must now be submitted by April 12, 2021.

Additionally, as I understood from our conversation, Mr. Kagel will be conducting an onsite visit later this month, but will not be able to perform a wetland delineation until site conditions (e.g., weather, temperature, hydrology, growing season, etc.) are more appropriate, for example, in later April, May, or June. And thus, supplementation of your response may be needed after April 12th.

Sincerely,

Michaela M. Murdock
Assistant District Counsel

U.S. Army Corps of Engineers, Walla Walla District
201 N. Third Avenue
Walla Walla, WA 99362
(509) 527-7707

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From: Norman M. Semanko <NSemanko@parsonsbehle.com>
Sent: Thursday, March 11, 2021 2:50 PM
To: Murdock, Michaela M CIV USARMY CENWW (USA) <Michaela.M.Murdock@usace.army.mil>
Cc: Urbanek, Kelly J CIV USARMY CENWW (USA) <Kelly.J.Urbaneck@usace.army.mil>; Schrader, William C CIV USARMY CENWW (USA) <William.C.Schrader@usace.army.mil>
Subject: [Non-DoD Source] NWW-2021-00077: Information Request to Ace Black Ranches

Michaela,

This will confirm our conversation today regarding our client Ace Black Ranches, LLP's request for an extension of time to respond to the Corps' February 10, 2021 letter requesting certain information. The current deadline is March 12. To allow sufficient time to pull all of the requested information together, including assistance from our client's recently retained wetlands consultant (who will be on site later this month), conduct the necessary legal review, and compile the response, we request an extension of 30 days, or until Monday, April 12, 2021. As you and I discussed, we would reserve the right to supplement our response with any additional information received after that, particularly from our wetlands consultant. Please confirm whether this request is agreeable to your client. As you suggested, I have copied both Kelly Urbanek and Will Schrader on this email.

Thank you very much for your assistance.

Regards,

Norm Semanko

From: Murdock, Michaela M CIV USARMY CENWW (USA) <Michaela.M.Murdock@usace.army.mil>
Sent: Thursday, March 11, 2021 9:02 AM
To: Norman M. Semanko <NSemanko@parsonsbehle.com>; Johnson, Patrick <johnson.patrick@epa.gov>
Subject: RE: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Norm,

That works for me. Talk to you then.

Thanks,

Michaela M. Murdock
Assistant District Counsel
U.S. Army Corps of Engineers, Walla Walla District
201 N. Third Avenue
Walla Walla, WA 99362
(509) 527-7707

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From: Norman M. Semanko <NSemanko@parsonsbehle.com>
Sent: Thursday, March 11, 2021 5:50 AM
To: Murdock, Michaela M CIV USARMY CENWW (USA) <Michaela.M.Murdock@usace.army.mil>; Johnson, Patrick <johnson.patrick@epa.gov>
Subject: [Non-DoD Source] Re: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Michaela,

I will call you at 2:00 PT today. Thank you for your time.

Norm

From: Murdock, Michaela M CIV USARMY CENWW (USA) <Michaela.M.Murdock@usace.army.mil>
Sent: Wednesday, March 10, 2021, 10:11 PM
To: Norman M. Semanko; Johnson, Patrick
Subject: RE: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Norm,

I am available Thursday and Friday. The best time tomorrow would be 2:00 p.m. (Pacific) or later and, for Friday, either between 8-9:00 a.m. or 10-11:00 a.m. (Pacific).

Thank you,

Michaela M. Murdock
Assistant District Counsel
U.S. Army Corps of Engineers, Walla Walla District
201 N. Third Avenue
Walla Walla, WA 99362
(509) 527-7707

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From: Norman M. Semanko <NSemanko@parsonsbehle.com>
Sent: Wednesday, March 10, 2021 4:45 PM
To: Johnson, Patrick <johnson.patrick@epa.gov>
Cc: Murdock, Michaela M CIV USARMY CENWW (USA) <Michaela.M.Murdock@usace.army.mil>
Subject: [Non-DoD Source] Re: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Thank you very much, Patrick.

Michaela, are you available for a call tomorrow (Thursday) or Friday? Thank you.

Norman Semanko

From: Johnson, Patrick <johnson.patrick@epa.gov>
Sent: Wednesday, March 10, 2021, 3:29 PM
To: Norman M. Semanko
Cc: Murdock, Michaela M CIV USARMY CENWW (USA)
Subject: RE: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Good afternoon, Norman:

During our call on Monday, you asked if I was aware of a contact for counsel for the U.S. Army Corps of Engineers ("Corps") with whom you could speak about the recent Notice of Violation received by your client, Ace Black Ranches, LLP. Michaela Murdock, copied here, is Assistant District Counsel for the Corps' Walla Walla District. She is the legal point of contact for the Corps on this matter.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
(206) 553-6905

From: Norman M. Semanko <NSemanko@parsonsbehle.com>
Sent: Monday, March 8, 2021 12:55 PM
To: Johnson, Patrick <johnson.patrick@epa.gov>
Subject: Re: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

That should be fine. And I will call a little earlier if my settlement conference concludes before 4:00 PT/5:00 MT. Thank you.

From: Johnson, Patrick <johnson.patrick@epa.gov>

Sent: Monday, March 8, 2021, 1:29 PM

To: Norman M. Semanko

Subject: RE: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Norman:

That works for me. FYI, I just had another meeting scheduled at 4:30PM Pacific / 5:30PM Mountain. I can't imagine that our conversation will last more than 30 minutes, but just wanted to let you know.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
(206) 553-6905

From: Norman M. Semanko <NSemanko@parsonsbehle.com>

Sent: Monday, March 8, 2021 11:58 AM

To: Johnson, Patrick <johnson.patrick@epa.gov>

Subject: RE: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Patrick,

I am in a settlement conference all day today. If you can make yourself available at 4:00 pm PT/5:00 pm MT, I will plan to call you then. Thank you very much.

Norman Semanko

From: Johnson, Patrick <johnson.patrick@epa.gov>

Sent: Monday, March 8, 2021 9:45 AM

To: Norman M. Semanko <NSemanko@parsonsbehle.com>

Subject: RE: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Good morning:

I just left you a voicemail message. I was out of the office on Friday when you called, so please accept my apologies for my delayed return phone call. I am available this morning until approximately 11:00 AM Pacific / 12:00 PM Mountain. If you are not available this morning, I have a short window of availability at 1:30 PM Pacific / 2:30 PM Mountain and can make myself available after 3:30 PM Pacific / 4:30 PM Mountain.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10

1200 Sixth Avenue, Suite 155
Seattle, Washington 98101
(206) 553-6905

From: Norman M. Semanko <NSemanko@parsonsbehle.com>

Sent: Friday, March 5, 2021 1:51 PM

To: Johnson, Patrick <johnson.patrick@epa.gov>

Subject: 20-C04: INFORMATION REQUEST for Ace Black Ranches, LLP - Bruneau, Idaho

Patrick Johnson,

I left you a voicemail regarding this matter, as well. Please forgive the duplication.

Our firm has been retained by Ace Black Ranches regarding the above-referenced matter. I have some questions about the attached letter and would appreciate a call back at your earliest convenience. 208-562-4909.

Thank you.

Regards,

Norman Semanko



A Professional
Law Corporation

Norman M. Semanko • Attorney at Law

Parsons Behle & Latimer

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